

1. ROYD LEMUS & RAQUEL LAU
(Applicant)

06-3-CZ14-2 (05-144)
BCC/District 9
Hearing Date: 9/14/06

Property Owner (if different from applicant) **Same.**

Is there an option to purchase ☐ /lease ☐ the property predicated on the approval of the zoning request? Yes ☐ No ☒

Disclosure of interest form attached? Yes ☐ No ☒

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
1990	Ramon Ruiz Sr. and Ramon Ruiz Jr.	- Zone change from EU-1 to AU. - Variance to permit parcel with less acreage than required.	BCC	Approved
1999	Royd Lemus & Raquel Lau	- Zone change from AU to BU-1A. - Special exception for site plan approval. - Non-Use variances.	CZAB-14	Denied without prejudice
2001	Royd Lemus & Raquel Lau	- Zone change from AU to BU-1A. - Special exception for site plan approval. - Non-Use variances.	BCC	Appeal denied, application denied

Action taken today does not constitute a final development order, and one or more concurrency determinations will subsequently be required. Provisional determinations or listings of needed facilities made in association with this Initial Development Order shall not be binding with regard to future decisions to approve or deny an Intermediate or Final Development Order on any grounds.

MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 14
MOTION SLIP

2

APPLICANT'S NAME: ROYD LEMUS & RAQUEL LAU

REPRESENTATIVE:

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER
06-3-CZ14-2 (05-144)	MARCH 15, 2006	CZAB14 06

REQ: (1) AU to BU-1A. (2) Waive Z regs: 5' masonry wall where abuts EU, at rear & int. (3) Waive Z regs: uses w/in enclosed bldgs or area enclosed with walls; to permit open structure. (4) UU outdoor dining. (5) Waive Z regs: Krome Ave. 180' width; permit 50' ded. OR ALT. TO #5: (6) 51 park'g spaces.

REC: APPROVE #1 SUBJECT TO COVENANT;

AWC: #2 AS TO WEST PROP. LINE ONLY, & #3 & #5 (ALL 3 AS NUV); DWOP BAL. OF #2;

DWOP: #2, 3, & 5 AS ANUV; #4; & #6 AS NUV, ANUV & ASDO UNLESS WITHDRAWN

☐ WITHDRAW: ☐ APPLICATION ☐ ITEM(S): _____

☐ DEFER: ☐ INDEFINITELY ☐ TO: _____ ☐ W/LEAVE TO AMEND

☐ DENY: ☐ WITH PREJUDICE ☐ WITHOUT PREJUDICE

☐ ACCEPT PROFFERED COVENANT ☐ ACCEPT REVISED PLANS

☐ APPROVE: ☐ PER REQUEST ☐ PER DEPARTMENT ☐ PER D.I.C.

☐ WITH CONDITIONS

☒ **NO QUORUM - CARRIED FORWARD TO NEXT MEETING (APRIL 12, 2006)**

TITLE	M/S	NAME	YES	NO	ABSENT
MR.		Samuel L. BALLINGER			
MR.		Wilbur B. BELL			
MS.		Dawn Lee BLAKESLEE			
MS.		Rose L. EVANS-COLEMAN			
MR.		Don JONES			
VICE-CHAIRMAN		Curtis LAWRENCE (C.A.)			
MADAME CHAIRPERSON		DR. Pat WADE			

VOTE:

EXHIBITS: ☐ YES ☐ NO

COUNTY ATTORNEY: RON BERNSTEIN

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO THE BOARD OF COUNTY COMMISSIONERS**

APPLICANT: Royd Lemus & Raquel Lau

PH: Z05-144 (06-3-CZ14-2)

SECTION: 12-56-38

DATE: September 14, 2006

COMMISSION DISTRICT: 9

ITEM NO.: 1

A. INTRODUCTION

o REQUESTS:

The applicants are appealing the decision of Community Zoning Appeals Board #14, which denied with prejudice the following:

1. AU to BU-1A
2. Applicants are requesting to waive the zoning regulations requiring a 5' high masonry wall where a business lot abuts EU zoned property along the rear (west) and interior side (south) property lines.
3. Applicants are requesting to waive the zoning regulations requiring all uses to be conducted within completely enclosed buildings or within an area completely enclosed with walls; to permit uses from within an unenclosed structure.
4. Unusual Use to permit outdoor dining.
5. Applicants are requesting to waive the zoning regulations requiring Krome Avenue to be 180' in width; to permit 50' of dedication (90' required) on the west side of Krome Avenue.

OR IN THE ALTERNATIVE TO REQUEST #5, THE FOLLOWING:

6. Applicants are requesting to permit 51 parking spaces (75 required).

Upon a demonstration that the applicable standards have been satisfied, approval of requests #2, #3 and #5 may be considered under §33-311(A)(4)(b) (Non-use Variance) or (c) (Alternative Non-use Variance) and approval of request #6 may be considered under §33-311(A)(16) (Alternative Site Development Option for The BU Zoning District) or under §33-311(A)(4)(b) (Non-use Variance) or (c) (Alternative Non-use Variance).

Plans are on file and may be examined in the Zoning Department entitled "Redland Market," as prepared by Rocco J. Ceo, consisting of 3 sheets and dated stamped received 9/21/05. Plans may be modified at public hearing.

o SUMMARY OF REQUESTS:

This application will allow the rezoning of the site from AU, Agricultural District, to BU-1A, Limited Business District, in order to establish a community market on the subject site. Additional requests will allow the waiver of the required wall along the west and

south property lines, will allow commercial uses to be from within an unenclosed structure, and will allow outdoor dining. Another request will permit a narrower right-of-way width than required on the west side of SW 177 Avenue, or in the alternative, fewer parking spaces than required.

o **LOCATION:**

The southwest corner of S.W. 177 Avenue (Krome Avenue) and S.W. 208 Street, Miami-Dade County, Florida.

o **SIZE:** 2.5 gross acres.

o **IMPACT:**

The commercial rezoning of the property, the outdoor dining, the waiver of the wall requirement, and the reduced right-of-way dedication or parking as depicted on the proposed plans will permit the applicant to provide additional services to the community by constructing a community market for the sale of produce and baked goods, including fruits and vegetables grown locally. However, the approval of this application will bring additional traffic and activity into the area.

B. ZONING HISTORY:

In 1990, the subject site was rezoned from EU-1 (Single-Family One Acre Estate District) to AU (Agricultural District), pursuant to Resolution Z-92-90. A non-use variance was also granted allowing a smaller sized parcel than required. In 1999, the Community Zoning Appeals Board-14 (CZAB-14) denied without prejudice, pursuant to Resolution CZAB 14-25-99, an application on this site to rezone the subject property from AU to BU-1A (Neighborhood Business District) and to permit site plan approval for a proposed commercial development; additional requests sought relief under Section 33-311(A)(4)(b) to omit the required 5' high masonry wall from the interior side and rear property lines; to allow parking on natural terrain; to allow less dedication for SW 177 Avenue than required or, in the alternative, to allow fewer parking spaces than required. The CZAB 14's decision was appealed by the applicants to the Board of County Commissioners (BCC). On April 12, 2001, the BCC upheld the CZAB-14's decision and denied the appeal pursuant to Resolution Z-11-01, citing that the grounds and reasons specified in the appeal were insufficient to merit a reversal of the ruling made by Community Zoning Appeals Board 14.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The Adopted 2005 and 2015 Land Use Plan designates the subject property for **Agriculture**. The property is located approximately four (4) miles west of and outside of the Urban Development Boundary (UDB) line.
2. The area designated as "Agriculture" contains the best agricultural land remaining in Miami-Dade County. The principal uses in this area should be agriculture, uses ancillary to and directly supportive of agriculture such as packing houses, and farm residences. Uses ancillary to and necessary to support the rural residential

community of the agricultural area may also be approved, including houses of worship and local schools (Land Use Element, page I-47).

3. No business or industrial use should be approved in the area designated Agriculture unless the use is directly supportive of local agricultural production, and is located on an existing arterial roadway, has adequate water supply and sewage disposal in accordance with Chapter 24 of the County Code, and the development order specifies the approved use(s) (Land Use Element, page 47).
4. Krome Avenue (SW 177 Avenue) is identified on the year 2015 Roadway Functional Classification map as a State Principal Arterial (Traffic Circulation Element, page II-16).
5. The Director of the Department of Planning and Zoning shall be the principal administrative interpreter of the CDMP.
6. **Other Land Uses Not Addressed.**

Certain uses are not authorized under any LUP map category, including many of the uses listed as "unusual uses" in the zoning code. Uses not authorized in any LUP map category may be requested and approved in any LUP category that authorizes uses substantially similar to the requested use. Such approval may be granted only if the requested use is consistent with the objectives and policies of this Plan, and provided that the use would be compatible and would not have an unfavorable effect on the surrounding area: by causing an undue burden on transportation facilities including roadways and mass transit or other utilities and services including water, sewer, drainage, fire, rescue, police and schools; by providing inadequate off-street parking, service or loading areas; by maintaining operating hours, outdoor lighting or signage out of character with the neighborhood; by creating traffic, noise, odor, dust or glare out of character with the neighborhood; by posing a threat to the natural environment including air, water and living resources; or where the character of the buildings, including height, bulk, scale, floor area ratio or design would detrimentally impact the surrounding area. However, this provision does not authorize such uses in Environmental Protection Areas designated in this Element.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

Subject Property:

AU; plant nursery

Agriculture

Surrounding Properties:

NORTH: GU; nursery

Agriculture

SOUTH: AU; nursery

Agriculture

EAST: AU; single family

Agriculture

WEST: EU-1; abandoned nursery Agriculture

The Redland area is characterized with groves, farm land and plant nurseries. The proposed community market will sell produce grown locally and will include outdoor dining, a deli, a meat and seafood market, and a bakery. The motif of the building is true "Redland Architecture." Nurseries and single family residences characterize the surrounding area.

E. SITE AND BUILDINGS:

Site Plan Review:	(site plan submitted)
Scale/Utilization of Site:	Acceptable*
Location of Buildings:	Acceptable
Compatibility:	Acceptable
Landscape Treatment:	Acceptable
Open Space:	Acceptable
Buffering:	Acceptable
Access:	Acceptable
Parking Layout/Circulation:	Acceptable
Visibility/Visual Screening:	Acceptable
Energy Considerations:	N/A
Roof Installations:	N/A
Service Areas:	N/A
Signage:	N/A
Urban Design:	Acceptable

* Subject to the Board's acceptance of the proffered covenant.

F. PERTINENT REQUIREMENTS/STANDARDS:

In evaluating an application for a **district boundary change**, **Section 33-311** provides that the Board shall take into consideration, among other factors the extent to which:

1. The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;
2. The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;
3. The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;

4. The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;
5. The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.

Section 33-311(A)(3). Special exceptions (for all applications other than public charter schools), unusual and new uses. Hear application for and grant or deny special exceptions, except applications for public charter schools; that is, those exceptions permitted by the regulations only upon approval after public hearing, new uses and **unusual uses** which by the regulations are only permitted upon approval after public hearing; provided the applied for exception or use, including exception for site or plot plan approval, in the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction, are accessible by private or public roads, streets or highways, tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area concerned and the compatibility of the applied for exception or use with such area and its development. For purposes of public hearing, a site plan shall be considered one (1) special exception, and upon approval of a site plan by the Community Zoning Appeals Board and/or the Board of County Commissioners, all non-use variances incorporated within and reflected upon the site plan shall be considered a part thereof, and official approval of the site plan shall constitute approval of all such non-use variances, unless otherwise so moved by the approving board.

Section 33-311(A)(4)(b). Non-Use Variances From Other Than Airport Regulations: Upon appeal or direct application in specific cases, the Board shall hear and grant applications for non-use variances from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required.

Section 33-311(A)(4)(c). Alternative Non-Use Variance Standard. Upon appeal or direct application in specific cases to hear and grant applications from the terms of the zoning and subdivision regulations for non-use variances from the terms of the zoning regulations the Board (following a public hearing) may grant a non-use variance for these

items, upon a showing by the applicant that the variance will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions thereof will result in unnecessary hardship, and so the spirit of the regulations shall be observed and substantial justice done; provided, that the non-use variance will be in harmony with the general purpose and intent of the regulation, and that the same is the minimum non-use variance that will permit the reasonable use of the premises; and further provided, no non-use variance from any airport zoning regulation shall be granted under this subsection.

Section 33-311(A)(16). Alternative Site Development Option for Buildings and Structures in the BU Zoning Districts. This subsection provides for the establishment of an alternative site development option, after public hearing, for buildings and structures permitted by the underlying district regulations, except residential buildings and structures and religious facilities, in the BU-1, BU-1A, BU-2, and BU-3 zoning districts, in accordance with the standards established herein. In considering any application for approval hereunder, the Community Zoning Appeals Board shall consider the same subject to approval of a site plan or such other plans as necessary to demonstrate compliance with the standards herein.

- (j) An alternative reduction in the number of required parking spaces shall be approved after public hearing upon demonstration of the following:
 - (1) the alternative reduction of the number of required parking spaces does not apply to parking spaces for the disabled, parking spaces for persons transporting small children, nor to bicycle racks or other means of bicycle storage; and either:
 - (2) the total number of required parking spaces is not reduced below ten percent (10%); and
 - (A) the lot, parcel or tract is located within six hundred and sixty (660) feet of an existing transportation corridor such as a Major Roadway identified on the Land Use Plan (LUP) map, within one-quarter (1/4) mile from existing rail transit stations or existing express busway stops; or
 - (B) the hours of operation of multiple commercial uses within the development vary and do not overlap and a recordable agreement is provided which restricts the hours of operation; or
 - (3) the alternative development involves a mixed-use project in which the number of off-street parking spaces is calculated by applying the Urban Land Institute (ULI) Shared Parking Methodology to the required number of parking spaces.
- * * *
- (k) Notwithstanding the foregoing, no proposed alternative development shall be approved upon demonstration that the proposed alternative development:
 - (1) will result in a significant diminution of the value of property in the immediate vicinity; or

- (2) will have substantial negative impact on public safety due to unsafe automobile movements, heightened vehicular-pedestrian conflicts, or heightened risk of fire; or
 - (3) will result in a materially greater adverse impact on public services and facilities than the impact that would result from development of the same parcel pursuant to the underlying district regulations.
- (l) Proposed alternative development under this subsection shall provide additional amenities or buffering to mitigate the impacts of the development as approved, where the amenities or buffering expressly required by this subsection are insufficient to mitigate the impacts of the development. The purpose of the amenities or buffering elements shall be to preserve and protect the economic viability of any commercial enterprises proposed within the approved development and the quality of life of residents and of the owners of property in the immediate vicinity in a manner comparable to that ensured by the underlying district regulations. Examples of such amenities include but are not limited to: active or passive recreational facilities, landscaped open space over and above that normally required by the code, additional trees or landscaping materials, the inclusion of residential use(s), convenient pedestrian connection(s) to adjacent residential development(s), convenient covered bus stops or pick-up areas for transportation services, sidewalks (including improvements, linkages, or additional width), bicycle paths, buffer areas or berms, street furniture, undergrounding of utility lines, monument signage (where detached signs are allowed) or limited and cohesive wall signage, and decorative street lighting. In determining which amenities or buffering elements are appropriate, the following shall be considered:
- (A) the types of needs of the residents or other owners in the immediate vicinity and the needs of the business owners and employees of the parcel proposed for development that would likely be occasioned by the development, including but not limited to recreational, open space, transportation, aesthetic amenities, and buffering from adverse impacts; and
 - (B) the proportionality between the impacts on the residents or other owners of property of parcel(s) in the immediate vicinity and the amenities or buffering required. For example, a reduction in setbacks for numerous lots or significantly large commercial buildings may warrant the provision of additional landscaped open space.

G. NEIGHBORHOOD SERVICES:

DERM	No objection*
Public Works	No objection*
Parks	No objection
MDTA	No objection
Fire Rescue	No objection
Police	No objection
Schools	No comment

*Subject to the conditions indicated in their memoranda.

H. **ANALYSIS:**

On April 12, 2006, Community Zoning Appeals Board – 14 (CZAB-14) denied with prejudice this application by a vote of 3-2. On April 20, 2006, the applicants appealed the CZAB-14's decision indicating that the CZAB-14's decision was not based on substantial competent evidence and that the proposal is both consistent with the property's land use designation and compatible with the existing and foreseeable development surrounding the property.

The plans submitted by the applicant indicate that the property will be developed with a community market specializing in fruits and vegetables. The market will include a section for the sale of fruits and vegetables, a deli, a meat and seafood section, and a bakery. A shade house, located to the south of the building, will provide an area for plant sales. The plans indicate two points of access to the site from SW 177 Avenue (Krome Avenue) and one from SW 208 Street. Parking spaces are provided along the north, south, and east sides of the site with landscape buffers along all of the property lines, with the exception of ingress/egress points and the drainfield area. The proposed building's architecture is of a rural motif and has been designed to blend in with the character of the Redland area.

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application and has indicated that it meets the Level of Service (LOS) standards set forth in the Master Plan. However, the applicant will have to comply with all DERM requirements as specified in their memorandum pertaining to this application. The **Public Works Department** has **no objections** to this application including the request to permit 50' of dedication for Krome Avenue. Any improvements to the subject property within 90 feet from the centerline of Krome Avenue are to comply with F.D.O.T. requirements and driveways to Krome Avenue must also meet current F.D.O.T. access management requirements. The Public Works Department's memorandum also stipulates that this property requires platting and the road dedications and improvements will be accomplished through the recording of the plat. This application meets traffic concurrency criteria and will generate **100 PM** additional daily peak hour **vehicle trips**. The distribution of these trips to the adjacent roadways does not exceed the acceptable Levels of Service (LOS) of the area roadways which are currently operating at LOS "A", "C", and "D".

The applicants, Royd Lemus and Raquel Lau, seek to permit a zone change from AU to BU-1A (request #1); to waive zoning regulations requiring a 5' high masonry wall where a business lot abuts residentially zoned property along the rear (west) and interior side (south) property lines (request #2); to waive zoning regulations requiring all commercial uses to be conducted within completely enclosed walls in order to permit commercial uses from within an unenclosed structure (request #3); to permit outdoor dining (request #4); to waive zoning regulations requiring SW 177 Avenue (Krome Avenue) to be 180' in width in order to provide 50' of dedication (90' required) for the west side of Krome Avenue (request #5), or in the alternative to request #5, to permit 51 parking spaces where 75 are required (request #6). Staff notes that, in 1999, the applicants were denied some of the aforementioned requests, by the Community Zoning Appeals Board 14, pursuant to Resolution CZAB14-25-99. However, the 1999 hearing included additional requests for a special exception to permit site plan approval for a proposed commercial development in conjunction with the previous zone change request, to permit parking

spaces on natural terrain, and a request to permit 48 parking spaces (72 required). The applicants appealed the CZAB's decision to deny all of the abovementioned requests to the Board of County Commissioners (BCC). The BCC, however, upheld the CZAB's decision denying the appeal and the application in its entirety. This application differs from the 1999 application in that the request for a special exception to permit site plan approval is no longer required when requesting a zone change due a Zoning Code amendment; the parking spaces shown on the current plans are now paved; a new request to permit outdoor dining is being sought; and additional standards for consideration of requests #2 through #6 on the current application have been adopted into the Zoning Code. Said requests can be considered under Section 33-311(A)(4)(c), the Alternative Non-Use Variance Standards, and request #6 can also be considered under Section 33-311(A)(16), the Alternative Site Development Option for the BU Zoning District.

The applicant has submitted documentation indicating that certain circumstances have made a change in the surrounding area to warrant a reconsideration of these requests. The applicant has submitted data indicating that between 2000 and 2004, 89 single-family homes have been built in the area north of SW 264 Street, south of SW 88 Street (Kendall Drive), and west of SW 177 Avenue (Krome Avenue). The applicant indicates that while the number of homes is not significant by urbanized standards, when considered in light of the generally applicable minimum acreage requirements of five (5) acres per home, 445 acres would have been consumed during the 2000-2004 period. The applicant further mentions that the population growth in the Redland has changed the character of the area. The applicant further indicates that while many large parcels of land remain in agricultural production, members of the growing rural population demand services. The applicant feels that the community market will provide a direct and proximate outlet to the local farmers and, by providing other products, will serve the basic food needs of the rural residential population. Staff opines that the population growth warrants the contemplation of additional business uses in the area.

In staff's opinion, other non-residential uses and operations have helped to change the conditions in the area in proximity to the subject property. In October 2005, the Board of County Commissioners approved a rezoning to BU-1A, pursuant to Resolution Z-20-05, on a 2.5 acre parcel of land located one-half mile north of the subject property at the southeast corner of SW 200 Street and Krome Avenue. Additionally, in 2003, a new service station/convenience store was built near the intersection of SW 232 Street and Krome Avenue. More recently, the Community Zoning Appeals Board-14 (CZAB-14) approved an extension of the BU-2 zoning, pursuant to Resolution CZAB14-6-06, onto a parcel of land north of and adjacent to the service station. In addition, the Miami-Dade County Fire Department opened a new fire station in 2005 near the intersection of SW 248 Street and Krome Avenue. Staff notes that the property of the service station is designated Business and Office and Agriculture in the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP). The other properties mentioned above are designated Business and Office in the LUP map of the CDMP.

The applicant has provided additional information indicating that a direct consequence of the growth in the residential population in the agricultural area has been an increased demand on the roadway capacity and how this demand has affected traffic count stations in the surrounding area. In 2001, counter number 9208, which identifies the north cardinal position, had a capacity of 859 trips whereas 256 trips were available in 2005.

Additional traffic counters have shown a similar decrease. The eastern cardinal counter number F-1117/9902 has been reduced from 580 trips in 2001 to 438 trips in 2005 and the southern cardinal counter (9210) has been reduced from 178 trips in 2001 to 67 trips in 2005. The decrease in the available trips shown by these traffic counters is indicative of the additional vehicle trips caused by the increased population within proximity of the subject property.

Based on all the aforementioned, staff is of the opinion that circumstances have changed in the surrounding area since the 1999 application to warrant the reconsideration of the requests and, therefore, the Doctrine of Administrative Res Judicata would not apply in this instance.

When considering district boundary changes, the Board shall hear and grant or deny applications by taking into consideration if the proposed development will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts, the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment, and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development. The Board shall consider if the development will have a favorable or unfavorable impact on the economy of Miami-Dade County, if it will efficiently utilize or unduly burden water, sewer, solid waste disposal, recreation, education, public transportation facilities which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways. The applicants seek to change the zoning on the subject property from AU to BU-1A. The applicants have proffered a covenant indicating that a minimum of 65% of the patron area, including the shade house, at the market shall be used for the display and sale of locally produced, raised or grown products, including, without limitation, fresh produce, flowers, foliage, and vinicultural and other agricultural products. The remaining patron area shall be used for the display and sale of products necessary to support the rural residential community, including, without limitation, agricultural products not available locally during the off-season and food products of any kind. The term "locally produced or grown" shall refer to items or products raised, grown or produced in the agricultural area of Miami-Dade County. The covenant prohibits the display and sale of lottery products, beauty products and personal hygiene/health care products.

The CDMP indicates that no business or industrial use should be approved in the area designated Agriculture unless the use is directly supportive of local agricultural production, and is located on an existing arterial roadway, has adequate water supply and sewage disposal in accordance with Chapter 24 of the County Code, and the development order specifies the approved use(s). With the acceptance of the proffered covenant, the community market will serve as an important outlet for locally grown produce and would be directly supportive of local agricultural production. In addition, the Land Use Plan Map (LUP) identifies Krome Avenue as a State Principal Arterial roadway. Lastly, on July 22, 1999, the proposed market received approval by the Environmental Quality Control Board (EQCB) to be served by an on-site drinking water supply well and a septic tank ensuring that the proposed market will have an adequate water supply and sewage disposal in accordance with Chapter 24 of the Code of Miami-Dade County. Said approval was granted pursuant to EQCB Order 99-35. As such, the proposed

community market, with the acceptance of the proffered covenant, will be **consistent** with the LUP map's agricultural designation and **compatible** with other non-residential uses located along Krome Avenue. In this regard, staff supports the requested zone change to BU-1A (request #1), subject to the Board's acceptance of the proffered covenant. Staff is of the opinion that the proposed development will not have an unfavorable impact on the economy, the environment or the natural resources of the County considering the fact that the use will be an outlet for locally grown produce. The development will not unduly burden water and sewer services since the use has been approved and must abide by the EQCB Order #99-34. The development will not unduly burden recreational and educational facilities since it is a commercial use and will not generate any additional demand on local parks or add to the student population in the surrounding area. The development will not unduly burden public transportation facilities and will be accessible by public roads (SW 177 Avenue and SW 208 Street).

When requests #2, 3, 5 and 6 are analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standards, staff is of the opinion that approval of same maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. When request #2, to waive the required 5' high wall where a business lot abuts EU zoned property, is analyzed under the NUV Standards, staff notes that additional landscaping has been provided along the west property line adjacent to the EU zoned property to buffer the effects of the proposed market onto same. The site plan indicates that a 12' wide landscape strip consisting of a row of Live Oak trees spaced 20' off center with an additional 6' high red tip cocoplum hedge will be provided along the west property line. However, the applicant will be providing the wall along the south property line where the property abuts an AU zoned parcel. Staff is of the opinion that the additional landscaping will provide sufficient buffering for the EU zoned property from the proposed market. Staff notes that request #3, to waive the zoning regulations requiring all uses to be conducted within completely enclosed buildings or within an area completely enclosed by walls, is being sought to permit the proposed shade house adjacent to the proposed market. Staff notes that this area will be used for plant sales that would benefit from being located within this unenclosed structure. Staff is supportive of request #5, to provide 50' of dedication for Krome Avenue (90' required). Additionally, the Public Works Department has no objection to the waiver of the portion of the required right-of-way dedication for Krome Avenue as indicated in their memorandum. As previously mentioned, staff is of the opinion that approval of requests #2, #3 and #5 would maintain the basic intent and purpose of the zoning and subdivision regulations and would be compatible with the surrounding land uses. As such, staff recommends approval with conditions of requests #3 and #5 and partial approval of request #2 with conditions as it pertains to the west property line only, all under the NUV Standards and subject to the Board's acceptance of the proffered covenant. Given staff's support of request #5, request #6 is not necessary and staff recommends denial without prejudice of said request unless withdrawn by the applicants.

When requests #2, #3, #5 and #6 are analyzed under the Alternative Non-Use Variance Standards, Section 33-311(A)(4)(c), the applicants would have to prove that the requests are due to an unnecessary hardship and that, should the requests not be granted, such denial would not permit the reasonable use of the premises. However, since the property

will be able to be utilized in accordance with the BU-1A zoning district regulations, if approved, this application cannot be approved under the Alternative Non-Use Variance Standards (ANUV) and should be denied without prejudice under same.

Approval of the proposed 250 square foot outdoor dining area (request #4), with the acceptance of the proffered covenant, would not have an unfavorable effect on the economy of Miami-Dade County, would not generate or result in excessive noise or traffic, would not cause an undue burden on public facilities, nor provoke excessive overcrowding of people or population. However, staff notes that the CDMP indicates that certain uses are not authorized under any LUP map category, including many of the uses listed as "unusual uses" in the zoning code. Uses not authorized in any LUP Map category may be requested and approved in any LUP category that authorizes uses substantially similar to the requested use. Staff notes that there are no uses listed under the CDMP's agricultural designation that are similar to the requested unusual use. As such, the request is inconsistent with the CDMP and staff recommends denial without prejudice of same.

Staff notes that request #6 does not comply with the ASDO standards under Section 33-311(A)(16), Alternative Site Development Option for Buildings and Structures in the BU Zoning Districts. Said section indicates that a relief of the required number of parking spaces may only be reduced by 10%. Request #6 is seeking to permit 51 parking spaces where 75 are required. This results in a reduction of 32% of the required parking spaces. As such, said request does not comply with the ASDO Standards and should be denied without prejudice under same.

I. RECOMMENDATION:

Approval of the appeal as it applies to request #1, the zone change to BU-1A subject to the Board's acceptance of the proffered covenant; approval with conditions of requests #3 and #5 under Section 33-311(A)(4)(b), the Non-Use Variance Standards; partial approval with conditions of request #2 as it pertains to waiving the required wall along the west property line only under Section 33-311(A)(4)(b), and denial without prejudice of the balance of request #2; denial without prejudice of request #4; denial without prejudice of request #6 under Section 33-311(A)(4)(b) unless withdrawn by the applicant; denial without prejudice of requests #2, 3, 5, and 6 under Section 33-311(A)(4)(c), the Alternative Non-Use Variance Standards; and denial without prejudice of request #6 under Section 33-311(A)(16), the Alternative Site Development Option for Buildings and Structures in the BU Zoning District.

J. CONDITIONS: (on requests #2, #3 and #5 only)

1. That a site plan be submitted to and meet with the approval of the Director upon the submittal of an application for a building permit and/or Certificate of Use; said plan to include among other things but not be limited thereto, location of structure or structures, display area, types, sizes and location of signs, light standards, off-street parking areas, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Redland Market," as prepared by Rocco J. Ceo,

consisting of 3 sheets and dated stamped received 9/21/05, except as herein modified to delete the outdoor dining area.

3. That the use be established and maintained in accordance with the approved plan.
4. That the applicant submit to the Department of Planning and Zoning for its review and approval a landscaping plan which indicates the type and size of plant material prior to the issuance of a building permit and to be installed prior to the issuance of a Certificate of Use.
5. That no stringer lights, pennants, mobile or stationary visual devices, except as permitted under point of sale sign regulations, shall be used or displayed.
6. That the applicant obtain a Certificate of Use from the Department of Planning and Zoning, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.
7. That the applicant comply with all applicable conditions and requirements of the Department of Environmental Resources Management (DERM).
8. That the applicant comply with all applicable conditions and requirements of the Public Works Department.
9. That the use of outdoor loudspeakers shall be prohibited.

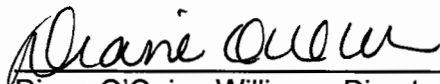
DATE INSPECTED: 11/17/05

DATE TYPED: 11/21/05

DATE REVISED: 11/22/05; 11/23/05; 12/29/05; 01/20/06; 01/30/06; 01/31/06; 02/02/06;
02/20/06; 02/27/06; 03/08/06; 03/10/06; 3/17/06; 03/27/06; 06/14/06;
08/03/06; 08/11/06; 09/05/06

DATE FINALIZED: 09/05/06

DO'QW:AJT:MTF:LVT:JV:JED



Diane O'Quinn Williams, Director
Miami-Dade County Department of
Planning and Zoning

Memorandum



Date: January 24, 2006

To: Diane O'Quinn-Williams, Director
Department of Planning and Zoning

RECEIVED
JAN 30 2006

From: Jose Gonzalez, P.E., Assistant Director
Environmental Resources Management

MIAMI-DADE COUNTY
DIRECTOR'S OFFICE
DEPT. OF PLANNING & ZONING

Subject: C-14 #Z2005000144-Revised
Royd Lemus & Raquel Lau, JTRS
SW corner of SE corner of SW 177th Avenue & 208th Street
District Boundary Change from AU to BU-1A,
Non Use Variance of Wall Requirements, to Permit Parking on Natural Terrain and to
Waive the Right-of-Way
(AU) (2.5 Ac.)
12-56-38

The Department of Environmental Resources Management (DERM) has reviewed the subject application and has determined that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County, Florida (the Code). Accordingly, DERM may approve the application, and the same may be scheduled for public hearing.

Potable Water Supply and Wastewater Disposal:

Public water and public sanitary sewers are located approximately four miles from the subject property; consequently, the subject property would have to be served by an on-site drinking water supply well and a septic tank.

Section 24-43.1(4) of the Code prohibits the approval of any building permit, certificate of use and occupancy, municipal occupational license, platting action or zoning action for any nonresidential land use served or to be served by a septic tank as a means for the disposal of domestic liquid waste, if the proposed land use generates liquid waste other than domestic sewage. There are activities that are inherent to land uses permitted in the proposed zoning classification that generate liquid waste other than domestic sewage.

Section 24-43.1(6) of the Code prohibits the approval of any building permit, certificate of use and occupancy, municipal occupational license, platting action or zoning action for any nonresidential land use served or to be served by any liquid waste storage, disposal or treatment method other than public sanitary sewers or any source of potable water supply other than a public water main. The same Code Section also provides that nonresidential land uses served by a septic tank and public water may only be approved, if among other requirements, the proposed land use does not generate liquid waste other than domestic sewage and complies with all the requirements of Section 24-43.1 (4) of the Code.

The Environmental Quality Control Board has granted the applicant's request for variances from the requirements of sections 24-43.1 (4) and 24-43.1 (6) of the Code to allow the use of an on-site drinking water supply and a septic tank to serve the proposed farmer's market, subject to the conditions stated in Board Order No. 99-35. Accordingly, DERM may approve the application and the same may be scheduled for public hearing before the Community Zoning Appeals Board.

Notwithstanding the foregoing, the DERM approval of the on-site drinking water supply well will be subject to compliance with the minimum drinking water standards for a potable water supply well, including DERM

review and approval of the on-site well and water treatment system. The applicant shall also obtain an annual operating permit from the Water Supply Section of DERM for the potable water supply system. The applicant is advised that a minimum separation distance of 100 feet is required from septic tank drainfields, from all surface waters and from any other source of contamination.

Additionally, the owner of the property has submitted a properly executed covenant running with the land in favor of Miami-Dade County as required by Sections 24-43.1(4)(a) and 24-43.1(6)(h) of the Code.

Stormwater Management:

A Surface Water Management General Permit from DERM shall be required for the construction and operation of the required surface water management system. This permit shall be obtained prior to site development, final plat or public works approval of paving and drainage plans. The applicant is advised to contact DERM for further information regarding permitting procedures and requirements.

All stormwater shall be retained on site utilizing properly designed seepage or infiltration drainage structures. Drainage plans shall provide for full on-site retention of the stormwater runoff of a 5-year/1-day storm event with full on-site retention of the 25-year/3-day. Pollution Control devices shall be required at all drainage inlet structures.

Site grading and development shall comply with the requirements of Chapter 11C of the Code.

Any proposed development shall comply with County and Federal flood criteria requirements. The proposed development order, if approved, will not result in a reduction in the Level of Service (LOS) standards for flood protection set forth in the Comprehensive Development Master Plan (CDMP) subject to compliance with the conditions required by DERM for this proposed development order.

Operating Permits:

Section 24-18 of the Code authorizes DERM to require operating permits from facilities that could be a source of pollution. The applicant should be advised that due to the nature of some land uses permitted under the proposed zoning classification, operating permits from DERM may be required. It is therefore suggested that the applicant contact DERM concerning operating requirements.

Tree Preservation:

There are no tree resources issues on this property. Therefore, no tree permits will be required.

Wetlands:

The subject site is not located in jurisdictional wetlands as defined in Section 24-5 of the Code; therefore, a Class IV Permit for work in wetlands will not be required by DERM.

The applicant is advised that permits from the Army Corps of Engineers (305-526-7181), the Florida Department of Environmental Protection (561-681-6600) and the South Florida Water Management District (1-800-432-2045) may be required for the proposed project. It is the applicant's responsibility to contact these agencies.

Enforcement History:

DERM has reviewed the Permits and Enforcement database and the Enforcement Case Tracking System and has found no open or closed formal enforcement records for the subject properties identified in the subject application.

Concurrency Review Summary:

DERM has conducted a concurrency review for this application and has determined that the same meets all applicable LOS standards for an initial development order, as specified in the adopted CDMP for potable water supply, wastewater disposal and flood protection. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein.

This concurrency approval does not constitute a final concurrency statement and is valid only for this initial development order as provided for in the adopted methodology for concurrency review. Additionally, this approval does not constitute any assurance that the LOS standards would be met by any subsequent development order applications concerning the subject property.

In summary, the application meets the minimum requirements of Chapter 24 of the Code and therefore, it may be scheduled for public hearing; furthermore, this memorandum shall constitute DERM's written approval to that effect as required by the Code.

cc: Lynne Talleda, Zoning Evaluation-P&Z
Ron Connally, Zoning Hearings- P&Z
Franklin Gutierrez, Zoning Agenda Coordinator-P&Z

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: ROYD LEMUS & RAQUEL LAU

This Department has no objections to this application.

This Department has no objections to the request to permit 50 feet of dedication for Krome Avenue (SW 177 Ave.) where 90 is required, however all structures would have to setback 90 feet from centerline.

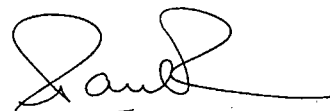
Driveways to Krome Avenue (SW 177 Ave.) must meet current F.D.O.T. access management requirements; contact the district office at 305-470-5367 for driveway and drainage permits.

This land requires platting in accordance with Chapter 28 of the Miami-Dade County Code. The road dedications and improvements will be accomplished thru the recording of a plat.

This application does meet the traffic concurrency criteria for an Initial Development Order. It will generate 100 PM daily peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways reveal that the addition of these new trips does not exceed the acceptable level of service of the following roadways:

Sta.#		LOS present	LOS w/project
9208	Krome Ave. s/o SW 184 Ave.	A	A
F-1117	SW 200 St. e/o SW 177 Ave.	D	D
9902	SW 216 St. e/o Krome Ave.	C	C
9210	Krome Ave. s/o SW 216 St.	A	A

The request herein, constitutes an Initial Development Order only, and one or more traffic concurrency determinations will subsequently be required before development will be permitted.



Raul A Pino, P.L.S.

11-APR-06

PETITION OF APPEAL FROM DECISION OF
MIAMI-DADE COUNTY COMMUNITY ZONING APPEALS BOARD
TO THE BOARD OF COUNTY COMMISSIONERS

CHECKED BY Adriana Ruiz AMOUNT OF FEE \$988.65

RECEIPT # I200619421

DATE HEARD: 04/12/06

BY CZAB # 14

RECEIVED
APR 20 2006

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY AR
DATE RECEIVED STAMP

This Appeal Form must be completed in accordance with the "Instruction for Filing an Appeal" and in accordance with Chapter 33 of the Code of Miami-Dade County, Florida, and return must be made to the Department on or before the Deadline Date prescribed for the Appeal.

RE: Hearing No. P.H. 05-144

Filed in the name of (Applicant) Royd Lemus and Raquel Lau

Name of Appellant, if other than applicant _____

Address/Location of APPELLANT'S property: See Exhibit "A"

Application, or part of Application being Appealed (Explanation): Entire application.

Appellant (name): Royd Lemus and Raquel Lau

hereby appeals the decision of the Miami-Dade County Community Zoning Appeals Board with reference to the above subject matter, and in accordance with the provisions contained in Chapter 33 of the Code of Miami-Dade County, Florida, hereby makes application to the Board of County Commissioners for review of said decision. The grounds and reasons supporting the reversal of the ruling of the Community Zoning Appeals Board are as follows:

(State in brief and concise language)

The denial of the application was not based on substantial competent evidence. The proposal is both consistent with the property's land use designation and compatible with the existing and foreseeable development surrounding the property.

APPELLANT MUST SIGN THIS PAGE

Date: 20 day of April, year 2006

Signed [Signature]

Royd Lemus

Print Name

1335 SW 87 AVE

Mailing Address MIAMI, FL 33174

305 216-3582

Phone

305 266-0028

Fax

REPRESENTATIVE'S AFFIDAVIT

If you are filing as representative of an association or other entity, so indicate:

Representing [Signature]

Signature [Signature]

Juan J. Mayol, Jr., Esq.

Print Name

701 Brickell Avenue, Suite 3000

Address

Miami

City

FL

State

33131

Zip

(305) 789-7787

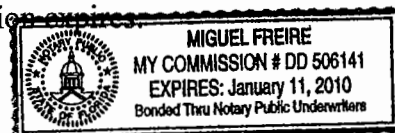
Telephone Number

Subscribed and Sworn to before me on the 20 day of April, year 2006

[Signature]
Notary Public

(stamp/seal)

Commission expires [Signature]



APPELLANT'S AFFIDAVIT OF STANDING
(must be signed by each Appellant)

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

Before me the undersigned authority, personally appeared Royd Lemus
(~~Attorney for the~~ Appellant) who was sworn and says that the Appellant has standing to file the attached appeal of a Community Zoning Appeals Board decision.

The Appellant further states that they have standing by virtue of being of record in Community Zoning Appeals Board matter because of the following:

(Check all that apply)

- ☒ 1. Participation at the hearing
☐ 2. Original Applicant
☐ 3. Written objection, waiver or consent

Appellant further states they understand the meaning of an oath and the penalties for perjury, and that under penalties of perjury, Affiant declares that the facts stated herein are true.

Further Appellant says not.

Witnesses:

Signature

Print Name

Signature

Print Name

Appellant's signature

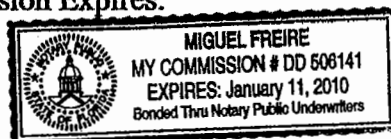
Print Name

Sworn to and subscribed before me on the 20 day of APRIL, year 2006.

Appellant is personally know to me or has produced _____ as identification.

Notary
(Stamp/Seal)

Commission Expires:



APPELLANT MUST SIGN THIS PAGE

Date: 20 day of April, year 2006

Signed

Raquel Lau

Print Name

1335 SW 87 Ave

Mailing Address Miami, FL 33174

305 216-3582

Phone

305 266-0028

Fax

REPRESENTATIVE'S AFFIDAVIT

If you are filing as representative of an association or other entity, so indicate:

Representing

Signature

Juan J. Mayol, Jr., Esq.

Print Name

701 Brickell Avenue, Suite 3000

Address

Miami

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FL

State

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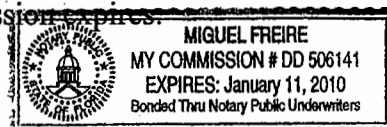
Telephone Number

Subscribed and Sworn to before me on the 20 day of April, year 2006

Notary Public

(stamp/seal)

Commission Expires



APPELLANT'S AFFIDAVIT OF STANDING
(must be signed by each Appellant)

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

Before me the undersigned authority, personally appeared RAQUEL LAU
(~~Attorney for the~~ Appellant) who was sworn and says that the Appellant has standing to file the attached appeal of a Community Zoning Appeals Board decision.

The Appellant further states that they have standing by virtue of being of record in Community Zoning Appeals Board matter because of the following:

(Check all that apply)

- ☒ 1. Participation at the hearing
☐ 2. Original Applicant
☐ 3. Written objection, waiver or consent

Appellant further states they understand the meaning of an oath and the penalties for perjury, and that under penalties of perjury, Affiant declares that the facts stated herein are true.

Further Appellant says not.

Witnesses:

Signature

JUAN P. MAGAL, JR.

Print Name

Signature

Miguel Freire

Print Name

Appellant's signature

RAQUEL LAU

Print Name

Sworn to and subscribed before me on the 20 day of APRIL, year 2006.

Appellant is personally know to me or has produced _____ as identification.

Notary

(Stamp/Seal)

Commission Expires



RESOLUTION NO. CZAB14-10-06

WHEREAS, ROYD LEMUS & RAQUEL LAU applied for the following:

- (1) AU to BU-1A
- (2) Applicants are requesting to waive the zoning regulations requiring a 5' high masonry wall where a business lot abuts EU zoned property, along the rear (west) and interior side (south) property lines.
- (3) Applicants are requesting to waive the zoning regulations requiring all uses to be conducted within completely enclosed buildings or within an area completely enclosed with walls; to permit the uses in an unenclosed structure.
- (4) UNUSUAL USE to permit outdoor dining.
- (5) Applicants are requesting to waive the zoning requirements requiring Krome Avenue to be 180' in width; to permit 50' of dedication (90' required) on the west side of Krome Avenue adjacent to the subject property.

OR IN THE ALTERNATIVE TO REQUEST #5, THE FOLLOWING:

- (6) Applicants are requesting to permit 51 parking spaces (75 required).

Upon a demonstration that the applicable standards have been satisfied, approval of requests #2, 3 & 5 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance) and approval of request #6 may be considered under §33-311(A)(16) (Alternative Site Development Option for the BU Zoning District) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance.)

Plans are on file and may be examined in the Zoning Department entitled "Redland Market," as prepared by Rocco J. Ceo, consisting of 3 sheets and dated stamped received 9/21/05.

SUBJECT PROPERTY: The north 330' of the east $\frac{3}{4}$ of the SE $\frac{1}{4}$ of Section 12, Township 56 South, Range 38 East, less the west 1,686.68' thereof, being subject to an ingress-egress easement across the north 35' thereof.

LOCATION: The Southwest corner of S.W. 177 Avenue & S.W. 208 Street, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 14 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant proffered a Declaration of Restrictions, and

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested district boundary change to BU-1A (Item #1) would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied, and that the requested unusual use (Item #4) and the requests to waive the zoning regulations requiring a 5' high masonry wall where a business lot abuts EU zoned property, along the rear (west) and interior side (south) property lines (Item #2), and to waive the zoning regulations requiring all uses to be conducted within completely enclosed buildings or within an area completely enclosed with walls; to permit the uses in an unenclosed structure (Item #3), and the requests to waive the zoning requirements requiring Krome Avenue to be 180' in width; to permit 50' of dedication on the west side of Krome Avenue adjacent to the subject property (Item #5) or in the alternative, to permit 51 parking spaces (Item #6) would not be compatible with the area and its development and would not be in harmony with the general purpose and intent of the regulations and would not conform with the requirements and intent of the Zoning Procedure Ordinance, and that the requested unusual use (Item #4) would have an adverse impact upon the public interest and should be denied, and

WHEREAS, a motion to deny the entire application with prejudice was offered by Dawn Lee Blakeslee, seconded by Samuel L. Ballinger, and upon a poll of the members present the vote was as follows:

Samuel L. Ballinger	aye	Rose L. Evans-Coleman	absent
Wilbur B. Bell	nay	Don Jones	absent
Dawn Lee Blakeslee	aye	Curtis Lawrence	nay
	Dr. Pat Wade	aye	

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 14, that the requested district boundary change to BU-1A (Item #1) be and the same is hereby denied with prejudice.

BE IT FURTHER RESOLVED, that the requested unusual use (Item #4), and the requests to waive the zoning regulations requiring a 5' high masonry wall where a business lot abuts EU zoned property, along the rear (west) and interior side (south) property lines (Item #2), to waive the zoning regulations requiring all uses to be conducted within completely enclosed buildings or within an area completely enclosed with walls; to permit the uses in an unenclosed structure (Item #3), to waive the zoning requirements requiring Krome Avenue to be 180' in width; to permit 50' of dedication on the west side of Krome Avenue adjacent to the subject property (Item #5) or in the alternative, to permit 51 parking spaces (Item #6) be and the same are hereby denied with prejudice.

The Director is hereby authorized to make the necessary changes and notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning.

PASSED AND ADOPTED this 12th day of April, 2006.

Hearing No. 06-3-CZ14-2
ls

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Luis Salvat, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board 14, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB14-10-06 adopted by said Community Zoning Appeals Board at its meeting held on the 12th day of April 2006.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 2nd day of May, 2006.



Luis Salvat, Deputy Clerk (2678)
Miami-Dade County Department of Planning and Zoning



Approved: _____ Mayor

Veto: _____

Override: _____

RESOLUTION NO. Z-11-01

WHEREAS, ROYD LEMUS & RAQUEL LAU had applied to Community Zoning Appeals

Board 14 for the following:

- (1) AU to BU-1A
- (2) SPECIAL EXCEPTION to permit site plan approval for a proposed commercial development.
- (3) NON-USE VARIANCE OF ZONING REGULATIONS requiring a 5' high decorative masonry wall where a business lot abuts AU and EU zoned property; to waive same to omit the wall along the rear (west) and interior side (south) property lines.
- (4) NON-USE VARIANCE OF PARKING REGULATIONS to permit parking spaces on natural terrain, excluding handicap parking spaces (not permitted).
- (5) NON-USE VARIANCE OF ZONING SUBDIVISION REGULATIONS requiring the section line right-of-way of S.W. 177th Avenue (Krome Avenue) to be 180' wide; to vary same to permit a right-of-way of 50' (90' required) on the west side of S.W. 177 Avenue (Krome Avenue).

OR IN THE ALTERNATIVE TO REQUEST #5, THE FOLLOWING:

- (6) NON-USE VARIANCE OF PARKING REGULATIONS to permit 48 parking spaces (72 spaces required).

Plans are on file and may be examined in the Zoning Department entitled "Redland Market," as prepared by Rocco J. Ceo, AIA, dated 6-1-99, last revised 6-20-99 and consisting of 3 sheets. Plans may be modified at public hearing.

SUBJECT PROPERTY: The north 330' of the east $\frac{3}{4}$ of the SE $\frac{1}{4}$ of Section 12, Township 56 South, Range 38 East, less the west 1,686.68' thereof, being subject to an ingress-egress easement across the north 35' thereof.

LOCATION: The Southwest corner of S.W. 177th Avenue (Krome Avenue) and theoretical S.W. 208th Street, Miami-Dade County, Florida, and

WHEREAS, a public hearing of Community Zoning Appeals Board 14 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, at which time the applicant proffered a Declaration of Restrictions which among other things provided for:

1. That said Property shall be developed substantially in accordance with the plans previously submitted, prepared by Rocco J. Ceo, A.I.A., entitled, "Redland Market", dated the 1st day of June, 1999, last revised June 20, 1999 and consisting of three (3) sheets, said plans being on file with the Miami-Dade County Department of Planning and Zoning, and by reference made a part of this agreement, which plans may be modified by the Community Zoning Appeals Board during its consideration of the Application (the "Plans").
2. That the use of the Property shall be restricted to a community market and accessory uses and structures, all as depicted on the Plans. Furthermore, at least fifty percent (50%) of the total patron area at said market shall be used for the display and sale of fresh produce and foliage.

WHEREAS, upon due and proper consideration having been given to the matter it was the opinion of Community Zoning Appeals Board 14 that the requested district boundary change to BU-1A (Item #1) would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied, and that the special exception (Item #2), non-use variance of zoning regulations (Item #3), non-use variances of parking regulations (Items # 4 & 6), and non-use variance of zoning subdivision regulations (Item # 5) would not be compatible with the area and its development and would not be in harmony with the general purpose and intent of the regulations and would not conform with the requirements and intent of the Zoning Procedure Ordinance, and that the requested special exception (Item #2) would have an adverse impact upon the public interest, and should be denied without prejudice, and that the proffered Declaration of Restrictions should not be accepted, and that the said application was denied by Resolution No.

CZAB14-25-99, and

WHEREAS, ROYD LEMUS & RAQUEL LAU appealed the decision of Community Zoning Appeals Board 14 to the Board of County Commissioners, and a public hearing of the Board of County Commissioners, Miami-Dade County, Florida was advertised and held, upon notice, as required by the Zoning Procedure Ordinance, and at which time the appellant proffered a covenant which, among other things provided for:

1. That said Property shall be developed substantially in accordance with the plans previously submitted, prepared by Rocco J. Ceo, A.I.A., entitled, "Redland Market", dated the 1st day of June, 1999, last revised June 20, 1999 and consisting of three (3) sheets, said plans being on file with the Miami-Dade County Department of Planning and Zoning, and by reference made a part of this agreement, which plans may be modified by the Community Zoning Appeals Board during it's consideration of the Application (the "Plans").
2. That the use of the Property shall be restricted to a community market and accessory uses and structures, all as depicted on the Plans. Furthermore, at least fifty percent (50%) of the total patron area at said market shall be used for the display and sale of fresh produce and foliage, of which fifty-one (51%) shall be locally produced fresh produce and foliage.

WHEREAS, after reviewing the record and decision of Community Zoning Appeals Board 14 and after having given an opportunity for interested parties to be heard, it is the opinion of this Board that the grounds and reasons specified in the appeal were insufficient to merit a reversal of the ruling made by Community Zoning Appeals Board 14 in Resolution No. CZAB 14-25-99 and that the appeal should be denied and the decision of Community Zoning Appeals Board 14 should be sustained, and

WHEREAS, a motion to deny the appeal and sustain the decision of Community Zoning Appeals Board 14 was offered by Commissioner Dennis C. Moss, seconded by Commissioner Katy Sorenson, and upon a poll of the members present the vote was as follows:

Miriam A. Alonso	absent	Dennis C. Moss	aye
Bruno A. Barreiro	aye	Pedro Reboredo	absent
Barbara M. Carey-Shuler	aye	Dorrian D. Rolfe	aye
Betty T. Ferguson	absent	Natacha Seijas	absent
Joe A. Martinez	aye	Katy Sorenson	aye
Jimmy L. Morales	aye	Javier D. Souto	aye

Chairperson Gwen Margolis aye

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Miami-Dade County, Florida, that the appeal be and the same is hereby denied and the decision of Community Zoning Appeals Board 14 is sustained, and

BE IT FURTHER RESOLVED that Resolution No. CZAB14-25-99 shall remain in full force and effect.

The Director is hereby authorized to make the necessary changes and notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning and to issue all permits in accordance with the terms and conditions of this resolution.

THIS RESOLUTION HAS BEEN DULY PASSED AND ADOPTED this 12th day of April, 2001, and shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

No. 99-9-CZ14-4
rb

MIAMI-DADE COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

KAY SULLIVAN

by Harvey Ruvin, Clerk
Deputy Clerk

**THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY
COMMISSIONERS ON THE 30TH DAY OF APRIL, 2001.**

Memorandum



Date: 03-JUN-05
To: Diane O'Quinn Williams, Director
Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
Miami-Dade Fire Rescue
Subject: Z2005000144

Fire Prevention Unit:

Approved for MDR vehicular access.

Development for the above Z2005000144
located at THE SOUTHWEST CORNER OF S.W. 177 AVENUE & S.W. 208 STREET, MIAMI-DADE COUNTY, FLORIDA/
in Police Grid 2280 is proposed as the following:

<u>single</u>	dwelling units	<u>industrial</u>	square feet
<u>multifamily</u>	dwelling units	<u>institutional</u>	square feet
<u>16668 commercial</u>	square feet	<u>nursing home</u>	square feet

Existing Service, First Response Unit/Station: 52

Based on this development information, estimated service impact is: Minimal., with: 4.23 alarms-annually.

Planned service(s) to mitigate the impact is:

60 - Redland

Station/Unit

2005

Estimated date of opening

DATE: 08/04/06

REVISION 2

TEAM METRO

ENFORCEMENT HISTORY

ROYD LEMUS & RAQUEL LAU

THE SOUTHWEST CORNER OF
S.W. 177 AVENUE & S.W. 208
STREET, MIAMI-DADE COUNTY,
FLORIDA.

APPLICANT

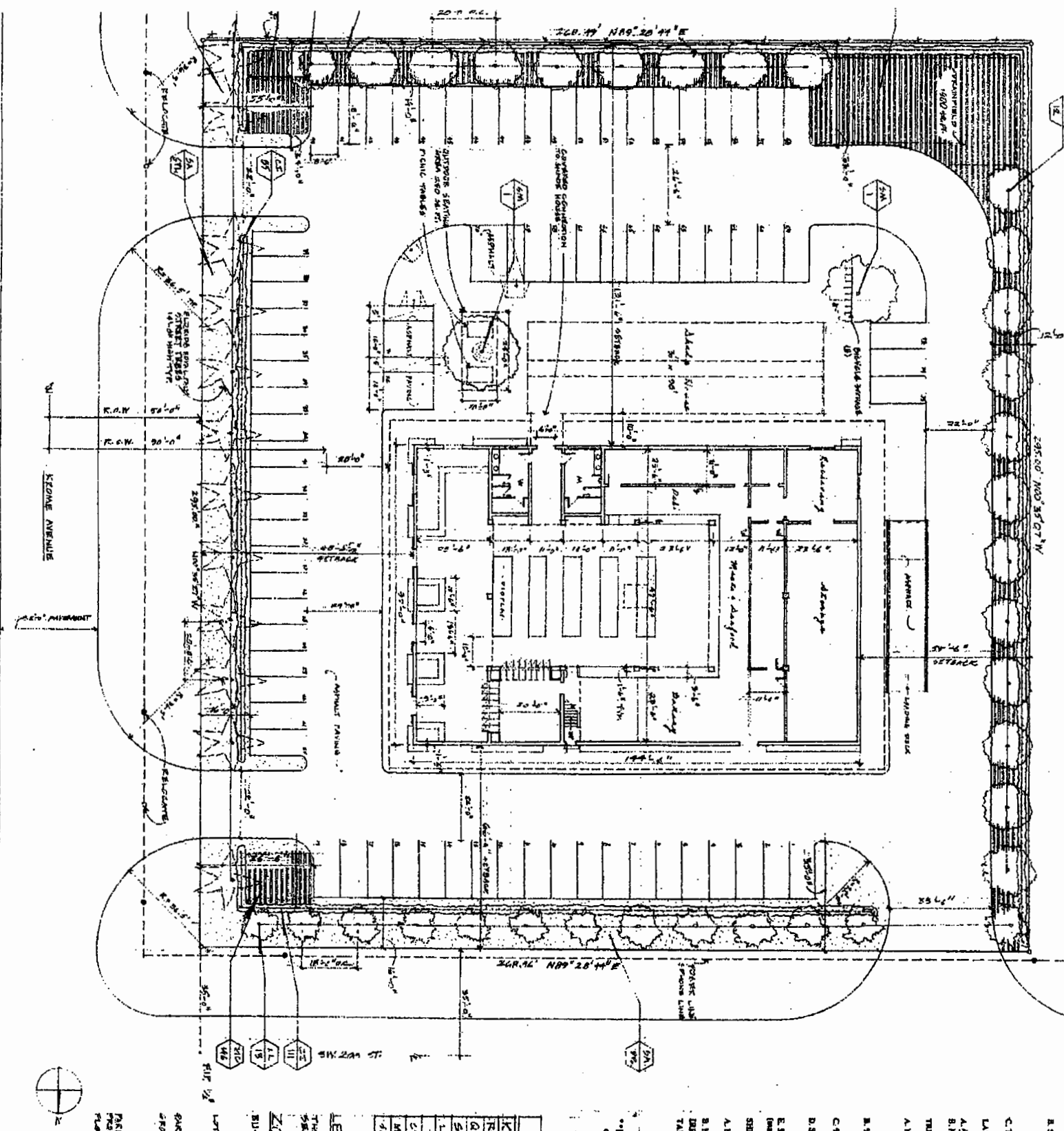
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Z2005000144

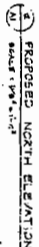
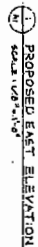
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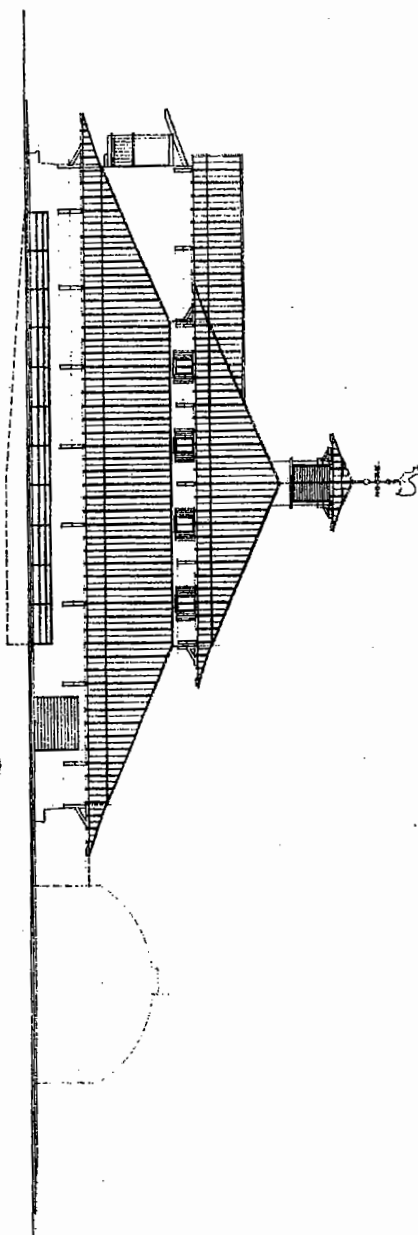


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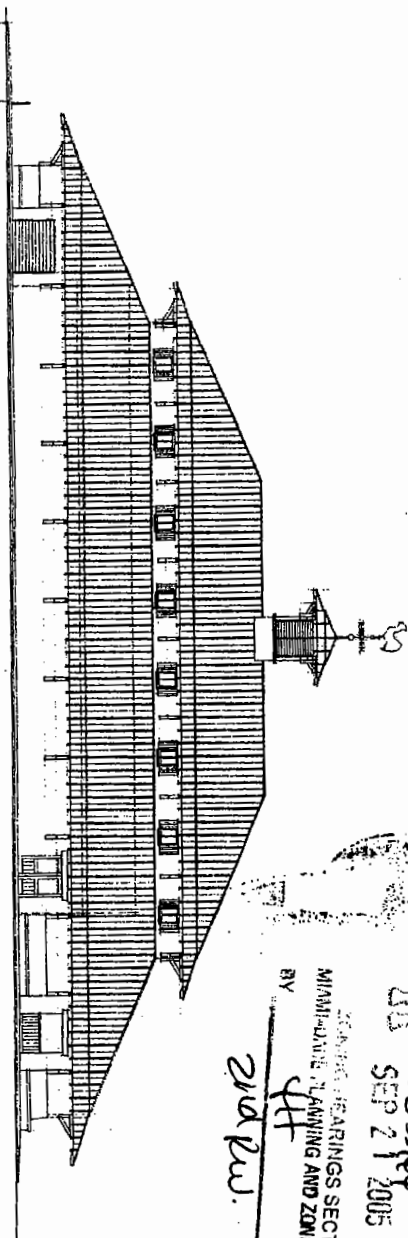


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PROPOSED SOUTH ELEVATION
SCALE 1/8"=1'-0"

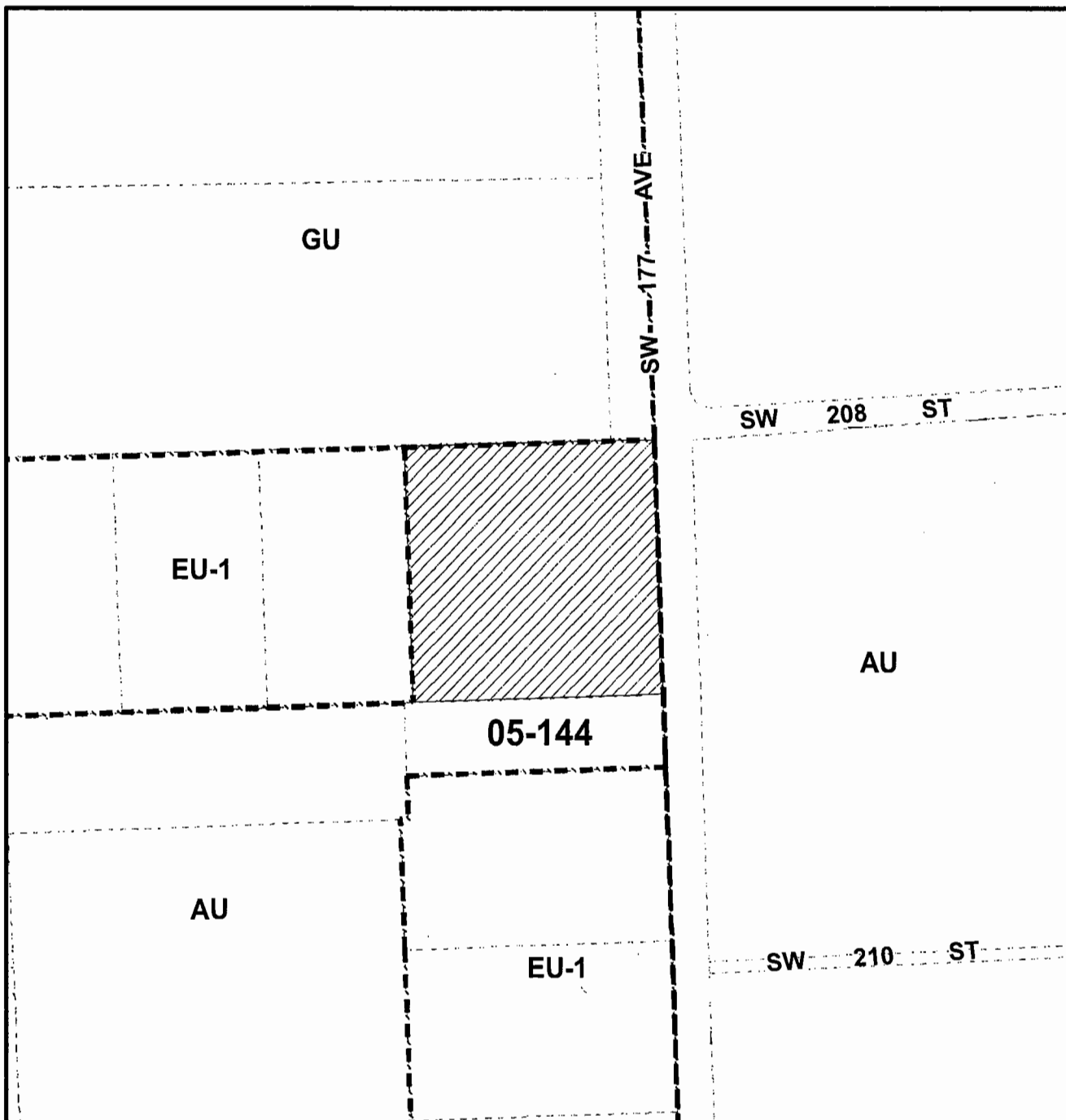
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MIAMI-DUNE PLANNING AND ZONING DEPT.
BY *HH*

2nd Run

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**MIAMI-DADE COUNTY
HEARING MAP**

Section: 12 Township: 56 Range: 38
 Process Number: 05-144
 Applicant: ROYD LEMUS & RAQUEL LAU JTRS
 District Number: 09
 Zoning Board: C14
 Drafter: ALFREDO
 Scale: 1:200'



 SUBJECT PROPERTY





MIAMI-DADE COUNTY
AERIAL

Section: 12 Township: 56 Range: 38
Process Number: 05-144
Applicant: ROYD LEMUS & RAQUEL LAU JTRS
District Number: 09
Zoning Board: C14
Drafter: ALFREDO
Scale: NTS

